

TOWN OF PENDLETON  
**PLANNING BOARD MEETING MINUTES**  
**AUGUST 16, 2016**

MEMBERS PRESENT :Joe McCaffrey,*Dan Vivian, Joe Killion, Dave Naus,*

*John Lavrich, Tom Edbauer* and David Kantor

Members Excused: Others Present: Town Engineer, Dave Britton

1. Meeting called to order by Chairman McCaffrey at 7:30PM.

2. Informal Business

None

3. July 19, 2016 Meeting Minutes

A motion was made by Dan Vivian and seconded by Tom Edbauer to approve the Minutes of the July 19, 2016 Planning Board Meeting. All agreed.

4. Eagle Self Storage - Joseph McEachon - Site Plan Review - 6448 S. Transit Road

SEQR Action  
7:45 Public Hearing

SEQR Action

SEQR: The Planning Board initiated review of the Environmental Assessment Form.

On a motion by David Naus and seconded by Dan Vivian a Negative Declaration was issued and the Planning Board Chairman was authorized to sign the SEQR Form. All agreed.

A Public Hearing was opened at 7:45PM for Eagle Self Storage Site Plan Review.

Applicant Joseph McEachon along with Wayne Giambrone, PE representing Eagle Self Storage were in attendance.

The proposed Storage Facility would be located on an approximately five acre parcel at 6448 S. Transit Road which is on the west side of S. Transit Road just north of Fisk Road and will contain a number of separate Storage Units.

It was noted that Niagara County Referral recommendation was received with a recommendation by the Niagara County Planning Board to approve the Eagle Self Storage Site Plan.

Conditions along with permit requirements will be incorporated into the Technical Checklist for Site Plan Approval.

1. Storm Water Maintenance Agreement
2. SPDES Inspection
3. SPDES DEC Permit
4. Knox Box Switch at Entrance

There were no questions from those in attendance on said Site Plan Review, so on a motion by Dan Vivian and seconded by Tom Edbauer the Public Hearing was closed at 7:50PM. All agreed.

A motion was made by Dave Kantor and seconded by Dave Naus to approve the Site Plan conditioned on the provisions outlined in the Technical Checklist for Site Plan Approval. All agreed.

5. Meadows at Pendleton North - Major Subdivision Sketch Plan  
Campbell Blvd. between Fiegle Rd and Bear Ridge Road

HISTORY: Taken from the April 19, 2016 Planning Board

Meeting Minutes in part:

Sean Hopkins, Esq. and Kenneth Zollitch of GPI both representing the Applicant came before the Board with a Major Subdivision

Sketch Plan. The proposed Major Subdivision would have 54 lots on a 51 acre parcel located on the east side of Campbell Blvd. south of Fiegle Road.

CURRENT:

Admin. Assistant Lavrich advised the Board that a Wetland Delineation was completed on the Major Subdivision Property and the NYS DEC Wetlands had increased in the back portion of the proposed Subdivision. An updated Sketch Plan which was reduced from 54 to 47 lots was then reviewed by the Board. It was then further noted that a number of lots to the front of the Major Subdivision do not meet Zoning Code Depth requirements and thus would need Variance consideration.

Tabled to the September 20, 2016 Planning Board Meeting.

6. Heritage Landings - Major Subdivision (Modified) - Fiegle and Bear Ridge Road

HISTORY: Taken from the June 21, 2016 Planning Board Meeting Minutes

Applicant William Hetzenrater was in attendance to discuss a number of issues related to the Heritage Landings Major Subdivision.

Discussion quickly focused on extending a sewer line from the proposed Major Subdivision to Fiegle Road Via one of the entrance roads leading to the Subdivision. After discussion, it was decided that Mr. Heizenrater had provided the Board with a number of relevant issues concerning extending the Sewer line over the Power Line Easement Area. These issues warranted further discussion at the Planning Board July Work Meeting.

, CURRENT:

Applicant William Hetzenrater advised the Board via phone call that he was weighing all his options concerning the Heritage Landings Major Subdivision and would attend the September 20, 2016 Planning Board Meeting to discuss.

Tabled to the September 20, 2016 Planning Board Meeting.

7. Empire Pipe Line Inc. - Compressor Station Site Plan Review - Killian Road

HISTORY: Taken from the July 19, 2016 Planning Board Meeting Minutes

Adam Walters of Phillips Lytle LLP and representing National Fuel Gas-Empire Pipe Line, Inc. was in attendance to update the Planning Board on the 22,000 horsepower gas compressor station project.

After discussion with the Board it was concluded that the only outstanding issues remaining in order to continue the Site Plan Review Process is receipt of the FERC Environmental Review, and Building Department decision on if the project is an "Allowable Use by Right" under the Town Zoning Code.

**Tabled to August 2016 Planning Board Meeting.**

CURRENT:

It is noted that the Planning Board has received the Federal Energy Regulatory Commission (FERC) Environmental Assessment (EA) and Environmental Impact Statement for National Fuel Gas Supply Corp and Empire Pipeline, Inc's Northern Access 2016 Project prepared in accordance with requirements of the National Environmental Policy Act (NEPA).

The FERC Environmental Assessment was the only outstanding item needed by the Planning Board to consider setting a Public Hearing for the Compressor Station Site Plan Review.

After discussion, all Planning Board Members agreed that a Public Hearing could be considered and set for as early as the September 20, 2016 Planning Board Meeting.

Tabled to the September 2016 Planning Board Meeting.

8. Town Code Revision - Solar Panels - Review Town Board Request

HISTORY: Taken from the June 21, 2016 Planning Board Meeting Minutes

In response to Town Board letter dated June 13, 2016  
(Requested Recommendation for Code Change Related to regulating  
the placement and use of solar panels, both on structures and  
free standing.)

After review and discussion all Members agreed to table further  
discussion to the July 7, 2016 Planning Board Work Meeting.

HISTORY: Taken from the July19, 2016 Planning Board  
Meeting Minutes

Town Engineer Dave Britton provided the Board with two  
documents for review and discussion:

1. Engineering Services Proposal - Solar Energy Ordinance
2. Solar - Ordinance Preliminary Framework

After discussion, a motion was made by Dan Vivian and seconded  
by Dave Kantor to authorize Admin. Assistant Lavrich to send a  
letter of recommendation to the Town Board to authorize GHD to  
draft a Town Solar Ordinance under the provisions stated in  
their proposal. All agreed.

CURRENT:

Upon review of the August 8, 2016 Town Board Meeting Minutes  
it was noted that an approval was not given on the GHD proposal  
to draft a Solar Ordinance for the Town. The Town Board asked  
the Planning Board to "provide a more cost effective way to get  
the ordinance written".

After discussion, all Planning Board Members agreed that the  
most cost effective and expeditious way would be for the Town  
Board to authorize the Town Attorney to draft the Solar  
Ordinance.

A motion was made by Joe Killion and seconded by Tom Edbauer to  
authorize Admin. Assistant Lavrich to send a letter of  
recommendation to the Town Board to authorize the Town Attorney  
to draft a Solar Ordinance for the Town. All agreed.

9. Public/Press Comments and Questions

None

10. Adjourn

*On a motion by Dan Vivian and seconded by Joe Killion the meeting was adjourned at 9:25PM. All agreed.*

Respectfully Submitted

John Lavrich, Secretary  
Planning Board, Town of Pendleton

cc: All Members of Planning Board E-Mail  
Mr. Joel Maerten, Town Supervisor E-Mail  
Mr. Claude Joerg Town Attorney E-Mail  
Ms. Terry Pienta, Town Clerk E-Mail  
Ms. Kelli Coughlin , Town Assessor E-Mail  
Mr. Jeff Stowell, Highway Superintendent E-Mail  
Mr. James Argo, Sewer and Water E-Mail  
Mr. David Leible, Councilman E-Mail  
Mr. Todd Ostrowski, Councilman E-Mail  
Mr. David Fisher, Councilman E-Mail  
Ms. Aimee Jarvis, Councilman, E-Mail  
Mr. Edward P. Perlman, Town Prosecutor E-Mail  
Mr. David Britton, CRA Engineering E-Mail  
Superintendent, Starpoint Schools E-Mail  
Board of Appeals - E-Mail  
Building Inspectors - E-Mail  
Conservation Board - E-Mail  
Niagara County Planning Board - E-Mail  
NYS DEC- E-Mail

NOTE: THE ABOVE PLANNING BOARD MINUTES ARE INFORMATIONAL AND FORMAL APPROVAL ACTION WILL NOT TAKE PLACE UNTIL THE September 20, 2016 PLANNING BOARD MEETING.

